

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

CARRIE EVOLGA,	)	
	)	
Plaintiff	)	Cause No.: 2:16-cv-00303
	)	
vs.	)	
	)	
MODERN FORGE INDIANA, LLC,	)	
	)	
Defendant	)	

COMPLAINT FOR DAMAGES AND REQUEST FOR JURY TRIAL

Plaintiff, by counsel, and as her Complaint for Damages against Defendant, states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Carrie Evolga, is a resident of Jasper County in the State of Indiana and former employee of Defendant.
2. Defendant, Modern Forge Indiana LLC (hereinafter "Modern Forge"), is a corporation doing business and employer as defined by 42 U.S.C. § 2000e(b), which conducts business in the State of Indiana.
3. Ms. Evolga filed a Charge of Discrimination (Charge 470-2016-00670) with the Equal Employment Opportunity Commission ("EEOC") on or about January 2016 alleging, *inter alia*, that Defendant had violated the Americans with Disabilities Act, 29 U.S.C. §1630, *et. sec.*
4. The Equal Employment Opportunity Commission issued to Ms. Evolga a 90-day Right to Sue letter on or about April 14, 2016.
5. Ms. Evolga invokes this Court's federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a).

6. Venue in this Court is proper pursuant to 28 U.S.C. § 1391.

GENERAL FACTS & SPECIFIC ALLEGATIONS

7. Plaintiff was employed in an office position for Defendant beginning on or about June 8, 2015.

8. The Defendant is a manufacturer of tools and equipment.

9. Plaintiff suffers from serious medical conditions that include thyroid disease, high cholesterol, high blood sugar, and depression. These conditions require Plaintiff to watch her diet.

10. Defendant's quality manager, and Plaintiff's supervisor, Brian Yazumbek questioned Plaintiff about her diet and Plaintiff shared with him the nature of her serious health conditions.

11. On or about August 6, 2015, Defendant terminated Plaintiff's employment claiming she was not a good fit.

**COUNT I**

12. Plaintiff incorporates by reference Paragraphs one (1) through eleven (11) above.

13. Plaintiff suffers from a disability as defined by the Americans with Disabilities Act, namely thyroid disease, high cholesterol, high blood sugar, and depression.

14. Defendant discriminated against Ms. Evolga on the basis of her disability or perceived disability when it terminated her employment.

15. Plaintiff was able to perform the essential elements of his job without reasonable accommodation.

16. Ms. Evolga's disability was the motivating factor in Defendant's decision to terminate her employment.

17. Similarly situated nondisabled employees were treated more favorably than Plaintiff.

18. These actions violated Ms. Evolga's rights under the Americans with Disabilities Act, 29 U.S.C. §1630 *et seq.*

19. As a result of the foregoing, Ms. Evolga has sustained damages including, but not limited to, lost wages and benefits, emotional suffering, anguish, embarrassment and humiliation.

20. As a result of Defendant's actions, Ms. Evolga has incurred attorney fees and costs.

31. Defendant's actions were done with malice or willful reckless disregard to Ms. Evolga's rights.

WHEREFORE, Plaintiff prays for judgment against Defendant, an award of damages sufficient to compensate Plaintiff for her injuries, including lost pay and benefits, compensatory damages, and for an award of Plaintiff's attorney fees and costs incurred herein, and for all other appropriate relief.

Respectfully submitted,

HENN HAWORTH CUMMINGS

/s/ Paul J. Cummings

David M. Henn, 18002-49

Paul J. Cummings, 22714-41

REQUEST FOR JURY TRIAL

Plaintiff, by counsel, respectfully requests this cause be tried by jury.

Respectfully submitted,

HENN HAWORTH CUMMINGS

/s/ Paul J. Cummings

David M. Henn, 18002-49

Paul J. Cummings, 22713-41

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